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**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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<b>UNITED STATES COMMODITY FUTURES TRADING COMMISSION,</b>	)	)	Civil Action No. <u>12-cv-8791 (CM)</u> <u>(GWG)</u>
<b>Plaintiff,</b>	)		
v.	)	)	- 30 - day Satisfied
<b>ERIC MONCADA; BES CAPITAL LLC; and SERDIKA LLC.</b>	)		
<b>Defendant(s).</b>	)		

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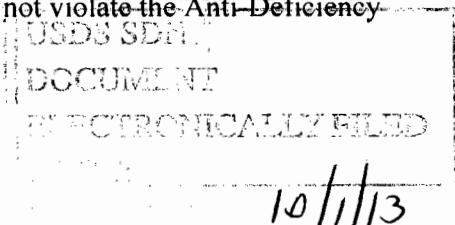
10/1/2013  
 10/1/2013  
 Plaintiff's  
 deadline  
 granted  
 by  
**MEMO ENDORSED**

**PLAINTIFF COMMODITY FUTURES TRADING COMMISSION'S  
MOTION FOR STAY OF DEADLINES**

Plaintiff U.S. Commodity Futures Trading Commission ("CFTC") requests that this Court stay all deadlines, including discovery deadlines, in this matter currently set on or after October 1, 2013, pending a possible government shutdown. Defendant Moncada's counsel does not oppose the relief sought in this motion. No other parties have appeared in this matter.

The Federal Government is presently operating under a continuing resolution that is set to expire on September 30, 2013. Should Congress fail to enact a federal budget for this fiscal year, or otherwise extend the continuing resolution presently in place, the CFTC will shut down, and all non-essential employees will be furloughed and prohibited by law from performing actions related to their employment. *See* 31 U.S.C. § 1341 ("Anti-Deficiency Act"). For the CFTC, this includes complying with the Court's deadline for the close of all discovery (currently set for November 13, 2013) and the deadline for submitting a joint pre-trial order and filing any dispositive motions (currently set for December 15, 2013).

The CFTC is taking steps to prepare for a possible shutdown to ensure (a) that it complies with all of its obligations before this Court; and (b) that it does not violate the Anti-Deficiency



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Act. Accordingly, the CFTC requests that, in the event of a shutdown, the Court stay all deadlines, including discovery deadlines, in this case until such time as undersigned counsel's employment status is reinstated. Upon reinstatement of the employment status of the undersigned counsel, the CFTC shall seek to lift the stay and, with consultation with counsel for Defendants, request the Court set new deadlines.

Respectfully submitted,

/s/ Andrew Ridenour

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Andrew Ridenour (D.C. Bar No. 501628)  
Brian M. Walsh (Member, Maryland Bar)  
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Dated this 30<sup>th</sup> day of September, 2013.

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2013 I caused this Motion for Stay of Deadlines to be served via electronic mail upon:

Eric Moncada  
Through Counsel Richard Asche  
richardasche@lagnyc.com

By: /s/ Andrew Ridenour  
Andrew Ridenour